



Association of Drainage Authorities

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TECHNICAL & ENVIRONMENTAL COMMITTEE

Minutes of the Meeting held on Thursday 22 September 2016
at BWB Consulting, 11 Borough High Street, London SE1 9SE

Present: Trevor Purllant (TP) (Chairman)

Cliff Carson (CC), Rob Cathcart (RCt), Henry Cator (HC), Roy Lobley (RL), Chris Manning (CM), Paul Sharman (PS), Martin Shilling (MS), Nick Stevens (NS), David Thomas (DT) (Honorary Secretary), Innes Thomson (IT) (Chief Executive)

Apologies: Alison Briggs (AB), Paul Burrows (PBw), Robert Caudwell (RC), John Oldfield (JO), David Sisson (DS), Peter Bateson (PB)

In Attendance: Ian Moodie (IM), Ian Russell (IR), Ian Benn (IB)

Ref	Minute	Action
1397	<p>Welcome</p> <p>The Committee stood in memory of Steve Morris who sadly passed away on Wednesday 21 September. Steve was Chief Executive of North Level District IDB and a former ADA Committee Member.</p> <p>The Committee noted its thanks to Ken Pratt for his work on the Committee. Following his move to work for Mouchel Consulting Ltd, Ken Pratt had stood down from the Committee.</p> <p>TP and IT thanked RL for the use of BWB Offices in London Bridge.</p>	
1398	<p>Declarations of interest – None</p>	
1399	<p>Approval of Minutes – Minutes of the meeting held on 11 May 2016 were agreed as a true and fair record.</p>	
1400	<p>Matters arising</p> <p>Min 1362 Action: IR to share EA briefing on ground pressure tires with Committee members.</p> <p>Min 1383: FLOODDEX 2016 TP thanked Committee members for their contribution to the seminar at FLOODDEX 2016.</p> <p>IT was pleased with the success of the event and was now turning attention to</p>	IR

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to FLOODDEX 2017. Event will expand, making use of atrium space at the Peterborough Arena.

The Committee discussed the seminar format at FLOODDEX. Key thoughts:

- open plan seminar theatres were supported,
- would welcome seminars not being held at the same time,
- request for better audio visual equipment,
- shorter, more succinct presentations (10-15 minutes) on key topics/ideas, followed by leaflets/weblinks for further information,
- seminar theatres in opposite corners of the exhibition space,
- ensure sufficient periods for visitors to interact with exhibitors.

TP wanted to increase representation from IDB Board members at FLOODDEX, must ensure seminars included content that are relevant and interesting.

IM reported that the Policy and Finance Committee had requested ADA consider holding a training event for IDB board members at FLOODDEX 2017.

HC welcomed the financial success of FLOODDEX, effectively a 16% increase in ADA subscriptions. It was important that members embrace, support and promote the event.

Min 1387: Eels

CM reported on a workshop held by the Environment Agency at Brampton on 19 September to discuss the implementation of the Eel Regulations 2009 at pumping stations in East Anglia. Key points:

- Section 14 of the Eel Regulations 2009 give a discretionary power for eel passage at pumping stations,
- Section 17 mandates screening. But the mandatory requirement for screening of pumping stations is not part of the European Eels Directive.
- research at some pumping stations had shown that four inch wide screens, which many pumping station weed screens already have, prevented 80% of eel passage.
- St Germans Pumping Station had been shown to not trap eels, but would still require screening under the regulations.

The Committee discussed the bureaucratic burden that screening regulation presented to land drainage and flood risk management pumping station operators. They felt that in the majority of cases the better long term solution would be for improving eel passage rather than screening. The Committee accepted that in some instances, where water is being drawn off, screening was appropriate.

The Committee agreed that there was a need to look afresh at the regulatory impact on the flood and water management infrastructure. They discussed whether Section 17 should be a discretionary power and not mandatory, enabling greater investment in research into eel passage solutions, which is urgently needed. There was a need for exemptions for essential water

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	<p>management structures with appropriate timeframes related to operational schedules.</p> <p>PS highlighted the positive research work of Hull International Fisheries Institute (HIFI) looking at eels interaction with pumping stations. Noted that this research work may need investment by IDBs in order to continue.</p> <p>The Committee agreed with the need for an evidence based approach to screening. There was a concern that regulations will result in actions that may have negative impacts on eels, eel populations and their recruitment to catchments.</p> <p>CM noted the huge amount IDBs have already contributions in kind to research work.</p> <p>DT need to build to a position where ADA and EA and Defra can jointly write position statements relating to eel passage at pumping stations.</p> <p>DT noted challenges at pumping stations which act as the interface between fresh and salt water in finding the best solution for eels and coarse fish populations.</p> <p>IR was aware that the EA have similar issues in application of regulations, but was aware of good work on trials and regulations. Would like to discuss further with IDBs in those priority areas, the EA has identified.</p> <p>Action: RC to share appropriate Natural England contact on eels and fisheries with ADA office.</p> <p>Action: CM to investigate what further research HIFI need to undertake, and seek an estimate of cost and what funding gap ADA and its members may be asked to fill.</p>	<p>RC</p> <p>CM</p>
<p>1401</p>	<p>Health, safety and welfare update</p> <p>IB went through the briefing he had provided on HS&W issues:</p> <ul style="list-style-type: none"> • Interference with safety features • Safety Culture – Accident and Incident Reporting • Health and Safety Briefings • Empowering the workforce - Leadership through example • Welfare Facilities • Prosecutions of Relevance and Note <p>The Committee discussed approaches to making health and safety part and parcel of works and not just a form filling exercise.</p> <p>MS had brought IDB workforce together ahead of summer season to discuss works and encourage near miss reporting. One near miss has since been reported, which whilst not serious, provided an excellent training opportunity</p>	

	<p>that has reduced the risk of a more serious future incident. Demonstrated the value of near miss reporting and having a recent relevant example properly followed through.</p> <p>The Committee discussed the requirements of the Workplace (Health Safety & Welfare) Regulations 1992 – Approved Code of Practice and guidance and the provision of welfare facilities for remote working, includes identifying toilets, wash and eating facilities.</p> <p>The Committee agreed that such facilities need to be practical for the workforce and so listening to their needs and wants was critical to providing the right provisions.</p> <p>CM highlighted that his Boards’ staff were impressed with the welfare facilities on show at FLOODDEX 2016.</p> <p>TP highlighted that his Board had taken the simple step of providing a list of farms where staff can use facilities if needed, which had proved effective.</p> <p>Action: IM to prepare content of IB briefing on H&S for Autumn edition of ADA Gazette.</p>	IM
1402	<p>Environment Agency Update</p> <p>IR provided an update on key topics from the Environment Agency. IR announced that he will be moving to partial retirement in October, working three days per week.</p> <p>Emma Howard Boyd had been appointed as Chair of Environment Agency on 19 September, having been Acting Chair since January 2016.</p> <p>On de-maining, there are ten pilot projects, set to complete by 2018, or 2020 in the case of the Lyth Valley. Selby and River Lugg had replaced Alt Crossens as pilots. In addition to the front runners there are a number of pipeline projects identified by the Environment Agency that can then follow on. The Environment Agency were awaiting formal approval from Defra of the principles that will underpin where and how de-maining is taken forwards.</p> <p>From an IDB perspective, the Environment Agency will be discussing opportunities with Boards. If there are potential opportunities for de-maining these should be raised by IDBs with Area Teams.</p> <p>Action: IM to include article on de-maining in Autumn Gazette based on Environment Agency briefing.</p> <p>The Committee agreed PSCAs can provide an important role in preparing for de-maining, by enabling both EA and IDB to get a better understanding of asset and system and the necessary resource required.</p> <p>The Committee discussed the key issues and principles around the process of</p>	IM

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	<p>de-maining and asset transfer, including: PSCA's as a key stepping stone, ensuring the EA can 'invest to save' in order to facilitate transfers, how land owned by the EA should be treated, and extension of IDB boundaries.</p> <p>DT would it make sense to have work undertaken on proposed de-mained watercourse/structure to be undertaken under a PSCA as a mandatory step for a managed transition to de-maining. Rather than simply a hard transfer.</p> <p>IB remain pragmatic that IDB is best place to manage catchment, may also be that IDB reduces work on other more minor watercourses.</p> <p>Action: IB to take forward work on drafting guidance and a framework for situations where de-maining is occurring for IDBs and the EA with members of the working group on managing assets and systems.</p> <p>IR reported that the Environment Agency is preparing a guidance note relating to legal matters regarding IDB boundary extension.</p> <p>The Committee was very concerned that this had not been shared with ADA until earlier that week, and had not been shared with any IDBs. The Committee agreed that the draft document will need to be shared much more widely with IDBs before ADA can issue it and felt that the preparation of the document was not conducted in the nature of partnership working.</p> <p>IR reported on the key actions coming out of the Government's National Flood Resilience Review (NFRR).</p> <p>IT confirmed an article on the NFRR will be included within the Autumn Gazette accompanied with a comment piece by IM and IT.</p> <p>CM noted that the tidal surge in 2014 showed the importance of having appropriate sites to utilise temporary pumps and equipment.</p> <p>IR moving towards 5 year maintenance plans.</p> <p>IT a lot of talking around this but insufficient action on the ground, to make these 5 year years plans effective.</p>	IB
1403	<p>Regulation of dredging arisings</p> <p>CM outlined concerns regarding the capacity and treatment of dredged material from watercourses as required under the current D1 and U10/11 exemptions available under Environmental Permitting Regulations.</p> <p>The Committee discussed potential changes to the permits to allow for bankside storage of dredged material before being reworked into fields, and to ensure capacity of the U10/11 exemption for spreading matches with that of the D1 exemption. It was agreed that local treatment of arisings in this way prevented more costly movement of material in terms of finance and carbon.</p>	

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	<p>DT felt it was a good time to revisit the regulations to ensure they matched the needs of existing industry practice, given that the associated environmental risks are low and that these are the actions of a statutory authority operating under powers within the Land Drainage Act 1991.</p> <p>CM noted that in effect this was cycling nutrients within a system rather than increasing nutrient loads (e.g. phosphate/nitrate).</p> <p>NS was pleased this topic had been raised as the burdensome nature of the waste regulations in relation to dredgings had been highlighted by main river work in Somerset.</p> <p>DT believed the Association of Inland Navigation Authorities (AINA) would be willing to support reforms proposed by ADA in this area.</p> <p>Action: CM to assist with wet dredgings discussions with AINA.</p> <p>Action: NS to share works undertaken to look at burden of waste regulations on dredging operations in Somerset.</p>	<p>CM</p> <p>NS</p>
<p>1404</p>	<p>Managing assets and systems</p> <p>IR reported that £5million had been spent under PSCAs to date, but this includes one larger capital work element. IR highlighted the need to also think about identifying situations where the EA could undertake cost effective works for other partners. Should be about mutual collaboration.</p> <p>IR reported that Environment Agency Area teams should be sharing maintenance programmes in the autumn, not just EA but IDB programmes as well. So that when budgets are confirmed we know we can go ahead with the programme and who does what.</p> <p>Action: IB to convene the working group to develop guidance on IDB asset transfer and approach to de-maining.</p>	<p>IB</p>
<p>1405</p>	<p>Water transfer licences</p> <p>DT reported that he had raised the issues with water transfer licences with Sarah Hendry and John Curtin during a recent visit to the Middle Level Commissioners.</p> <p>The Committee was concerned that if points of transfer were licenced they would need to be screened in order to comply with the Eel Regulations 2009 or receive an exemption from the Environment Agency.</p> <p>RC noted that Natural England retain some concerns in this area, but support better regulation of end water abstracters.</p> <p>CM noted that local Wildlife Trusts were becoming concerned about this.</p> <p>Action IM/IT - HC speak to Jörg Janning (EUWMA) regarding water transfers</p>	<p>IM/IT</p>

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	in Europe and their treatment under European legislation.	
1406	<p>Data and evidence</p> <p>IT reported that ADA will be launching its revamped website in November, estimated total cost ~£7,000.</p> <p>DT reported that this was comparable with costs for revamping the Middle Level Commissioners' website.</p> <p>The Committee discussed the value of incorporating social media on the website, it was agreed that currently Twitter had proven the most relevant but the facility for members of the public to link to ADA news pages on the site will be available on Facebook and Twitter.</p> <p>TP suggest we remind IDBs of importance of updating their websites when we launch our new site in Winter edition of Gazette.</p> <p>IM reported that ADA is planning to develop an accurate GIS layer of all the Internal Drainage District boundaries and incorporate this into a map on the new ADA website. IM has emailed IDBs asking whether they have already have an accurate GIS payer for their own boundaries, in order to understand how many still need to be digitised.</p> <p>The Committee agreed that there is a need to create a tool to easily see where IDB boundaries are.</p>	
1407	<p>National Reviews following 2015/16 floods</p> <p>IT reported on the various inquiries and meetings with organisations ADA has contributed to, including: the EFRA Committee, Neil Parish MP, Government's National Flood Resilience Review, Water UK, and ADEPT Local Government Directors Flood and Water Management Group.</p> <p>IT highlighted that DCLG were consulting on the retention of business rates by local authorities and the resultant loss of rate support grant. The Committee discussed the potential consequences for special levy to IDBs.</p> <p>IT has rapidly drafted a response to this consultation.</p> <p>IB concern is that the Special Levy is shared across Borough/District council area, but if it is focused on only the area within the drainage district then the rates for individual businesses and households would skyrocket.</p> <p>Distirct Council undertook mandatory member training. Risk of triggering a referendum. DT must accept that there will be a change. At the moment burden is shared.</p> <p>DT there has been a proposal put forward by Kings Lynn by taking it out and raising it as a precept. Takes IDB out of capping arrangements.</p>	

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	<p>CM highlighted that across Lincolnshire IDBs also operate over extended areas.</p> <p>NS key is to get IDB special levy included within the baseline.</p> <p>IR also potential to be included within an infrastructure levy supported nationally.</p>	
1408	<p>Total catchment management</p> <p>It was agreed this topic would be discussed at the next meeting on 10 January 2017.</p>	
1409	<p>Ecological improvement</p> <p>CM reported that the working group will put a paper before the Committee's meeting on 10 January 2017. The group have identified four papers to be completed, two are in draft phase. It had been envisaged that IDB would continue using the BARS system to report on biodiversity action plan delivery, however Defra has announced that BARS will close in November 2016. The group will continue alternative reporting options. An Excel spreadsheet distributed via ADA, similar to the Environment Agency's 'Form E' was the most likely solution.</p> <p>RC explained that the group envisaged that IDBs would have a handful of top indicators for biodiversity delivery with one overall national indicator. This might be stated as number/length of channels in appropriate conservation management and might be appropriate to add to Defra's IDB1 form.</p> <p>IM and CC reported on 'Giving Nature an Edge', a funding bid to the Heritage Lottery Fund being developed by Cambridgeshire ACRE, the Middle Level Commissioners, Ely Group of IDBs and potentially North Level IDB. A number of other bodies are also involved including ADA and Natural England.</p>	
1410	<p>AOB</p> <p>Bylaws</p> <p>NS reported that as a result of work with Environment Agency and Somerset Rivers Authority. Made two further responses to EFRA. Didn't like inability to work on main river, wanted Board powers extended. Also issue of lack of maintenance of SuDS. Doing a study looking at condition and function of existing SuDS within IDB district.</p> <p>Had further discussions with Kylie Mpopo for a suite of bylaws.</p> <p>DT agree majority of SuDS not being maintained, and DT has received an order to bring a SuDS not functioning back into function from a City Council. Cost will be nearing £0.5million. Risk of management companies not delivering. Without SABS will not have a realistic progress in this area.</p> <p>NS thinking of doing a number of things. Working with a developer, put in a covenant in not allowing a sale of a house without paying a management</p>	

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	<p>charge. So the clearance of debt might be achievable by legal means.</p> <p>DT experience with covenants is that they are not the perfect solution. Covenants get lost and are often not enforced.</p> <p>NS key is whether they are positive or negative covenants. Positive ones are more enforceable. Key is embedding a system for SuDS and the payment there of.</p> <p>NS There is no existing enforcement solution.</p> <p>PS all this was flagged up on SuDS and SABs that maintainability of SuDS was key.</p> <p>RC has raised this with Defra previously. New EPR framework suggests that isn't needed anyway.</p> <p>IT updated Committee on Conference, speakers and Question Time panel. Highlighted importance of getting a strong attendance.</p> <p>IT highlighted Flood & Coast 2017 (27-29 March), Innes now involved in management an planning for seminars. Flood Alleviation sift of papers includes DT and IT.</p>	
1411	<p>Date of next meetings:</p> <p>Formally thanked RL again for the use of the fantastic venue.</p> <p>The following dates were proposed for Committee meetings in 2017:</p> <ul style="list-style-type: none"> • Tuesday 10 January – joint meeting with Technical & Environment Committee • 7 or 8 June, • 19 or 20 September. 	